

AMENDED IN ASSEMBLY APRIL 14, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2161

Introduced by Assembly Member Fong

February 18, 2010

~~An act to add Section 20112.1 to the Public Contract Code, relating to public contracts. An act to amend Section 20112 of the Public Contract Code, relating to public contracts.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2161, as amended, Fong. School districts: contracts: formal bids: school facilities: notices.

Existing law requires that a school district that seeks to let a contract involving a specified minimum expenditure for the purchase of equipment, materials, or supplies to be furnished, sold, or leased to the school district, or involving a specified minimum expenditure on a public project, publish a notice calling for bids on the contract at least once a week for 2 weeks in ~~specified newspapers~~, *a newspaper meeting specified criteria*, stating the work to be done or materials or supplies to be furnished and the time when and place where the bids will be opened. Existing law also allows the notice to be posted on the district's Internet Web site or through an electronic portal.

This bill would additionally require *the governing board of a school district*, for the purpose of securing bids for the construction of school facilities, ~~notice to be posted by the governing board~~ *to post a notice calling for bids* on the district's Internet Web site or through an electronic portal, or on another Internet Web site or electronic portal if the district does not maintain an Internet Web site. By imposing new

requirements on school districts, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 20112 of the Public Contract Code is*
2 *amended to read:*

3 20112. (a) For the purpose of securing bids, the governing
4 board of a school district shall publish at least once a week for two
5 weeks in ~~some~~ a newspaper of general circulation published in the
6 district, or if there is no such paper, then in ~~some~~ a newspaper of
7 general circulation, circulated in the county, and may post on the
8 district's Internet Web site or through an electronic portal, a notice
9 calling for bids, stating the work to be done or materials or supplies
10 to be furnished and the time when and the place and the Internet
11 Web site where bids will be opened. Whether or not bids are
12 opened exactly at the time fixed in the public notice for opening
13 bids, a bid shall not be received after that time. ~~The governing~~
14 ~~board of the district may accept a bid that was submitted either~~
15 ~~electronically or on paper.~~

16 (b) *In addition to meeting the requirements of subdivision (a),*
17 *for the purpose of securing bids for the construction of school*
18 *facilities, the governing board of a school district shall post on*
19 *the district's Internet Web site or through an electronic portal a*
20 *notice calling for bids.*

21 (1) *If a school district does not possess or maintain an Internet*
22 *Web site, then the school district shall post a notice calling for*
23 *bids on another Internet Web site or electronic portal, including,*
24 *not limited to, an Internet Web site possessed or maintained by*
25 *the county superintendent of schools, and shall provide notice of*
26 *that Internet Web site or electronic portal at least once a week for*

1 two weeks, following the school district's choice of an Internet
2 Web site or electronic portal, in a newspaper of general circulation
3 published in the school district, or if there is no such paper, then
4 in a newspaper of general circulation, circulated in the county.

5 (2) A school district with a second principal apportionment
6 regular average daily attendance equal to 1,500 or less may post
7 a notice calling for bids on another Internet Web site pursuant to
8 paragraph (1) in lieu of posting a notice on the district's Internet
9 Web site or through an electronic portal.

10 (3) For purposes of this subdivision, "construction of school
11 facilities" means work under a contract involving an expenditure
12 of fifteen thousand dollars (\$15,000) or more, which falls within
13 the definition of "public project" as defined in subdivisions (c)
14 and (d) of Section 22002.

15 (c) A school district may also distribute a notice calling for bids
16 through any other means, including, but not limited to, newspapers,
17 trade or professional journals, Internet Web sites, electronic mail,
18 or other print publications or electronic means.

19 (d) The governing board of the district may accept a bid that
20 was submitted either electronically or on paper.

21 SEC. 2. If the Commission on State Mandates determines that
22 this act contains costs mandated by the state, reimbursement to
23 local agencies and school districts for those costs shall be made
24 pursuant to Part 7 (commencing with Section 17500) of Division
25 4 of Title 2 of the Government Code.

26 SECTION 1. Section 20112.1 is added to the Public Contract
27 Code, to read:

28 20112.1. (a) For the purpose of securing bids for the
29 construction of school facilities, the governing board of a school
30 district shall post on the district's Internet Web site or through an
31 electronic portal a notice calling for bids. The notice calling for
32 bids shall state the work to be done or the materials or supplies to
33 be furnished and the time, place, and Internet Web site where bids
34 will be opened. The governing board of the school district may
35 accept a bid that was submitted electronically or on paper. A bid
36 shall not be received after the time fixed in the public notice for
37 opening bids, whether or not bids are opened exactly at that fixed
38 time.

39 (b) If a school district does not possess or maintain an Internet
40 Web site, then the school district shall post a notice calling for

1 ~~bids on another Internet Web site or electronic portal, and shall~~
2 ~~provide notice of that Internet Web site or electronic portal at least~~
3 ~~once a week for two weeks, following the school district's choice~~
4 ~~of an Internet Web site or electronic portal, in a newspaper of~~
5 ~~general circulation published in the school district, or if there is~~
6 ~~no such paper, then in a newspaper of general circulation, circulated~~
7 ~~in the county.~~

8 ~~(c) A school district may also distribute a notice calling for bids~~
9 ~~through any other means, including, but not limited to, newspapers,~~
10 ~~trade or professional journals, Internet Web sites, electronic mail,~~
11 ~~or other print publications or electronic means.~~

12 ~~SEC. 2. If the Commission on State Mandates determines that~~
13 ~~this act contains costs mandated by the state, reimbursement to~~
14 ~~local agencies and school districts for those costs shall be made~~
15 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
16 ~~4 of Title 2 of the Government Code.~~